

California Regional Water Quality Control Board  
North Coast Region

ORDER NO. R1-2002-0107

RECISION OF CLEANUP AND ABATEMENT ORDER NO. R1-2002-0056

FOR

MERCER, FRASER COMPANY  
AND  
CANEVARI TIMBER COMPANY, INC.

Humboldt County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. Canevari Timber Company, Inc., owned and operated a gravel mining and processing plant and an asphalt plant adjacent to the east bank of the Lower Eel River in Fortuna, Humboldt County. The facility is located in the southwest  $\frac{1}{4}$  section 35, T3N, R1W of the Humboldt Base & Meridian.
2. On May 28, 1992, the Regional Water Board issued Waste Discharge Requirements, Order No. 92-64, to Canevari Timber Company, Inc., to govern management of petroleum-containing soil before incorporation into asphalt. Soils were to be transported to the plant during dry weather conditions, temporarily stockpiled on a mixing pad, processed, and incorporated into asphalt.
3. Order No. 92-64 provides that "The maximum containment time for the soils from transportation time to the plant and processing into asphalt will be one week. The maximum amount of soils on the pad prior to processing will be 3,200 cubic yards." Staff inspections during 1996 and 1997 indicated that the volume of contaminated soil on-site was at or above the permitted capacity. These conditions violated the terms in Order No. 92-64.
4. On June 1, 1996, the Mercer, Fraser Company purchased all equipment and existing stockpiles, including the asphalt plant and petroleum-containing soil from Canevari Timber Company, Inc. Canevari Timber Company, Inc., retains ownership of the land and leases the property to Mercer, Fraser Company.
5. The Executive Officer issued Cleanup and Abatement Order No. 98-62 to Canevari Timber Company, Inc., and Mercer, Fraser Company on May 21, 1998. Order No. 98-62 required removal and/or treatment of the contaminated soil.
6. During an inspection conducted on December 6, 2001, Regional Water Board staff noted a substantial amount of petroleum-containing soil remaining on site. Contaminated soils were stored in an impermeable concrete lined platform and were covered with plastic. Representatives from Mercer, Fraser Company estimated the volume of the soil to be between 3,000 to 4,000 cubic yards.

7. The Executive Officer issued Cleanup and Abatement Order No. R1-2002-0056 to Mercer, Fraser Company and Canevari Timber Company, Inc., on May 8, 2002.
8. Between June and September of 2002 all contaminated soils were removed by integration into asphalt for use in road and other construction projects. Regional Water Board staff confirmed removal of all contaminated soils during an inspection conducted on September 23, 2002.
9. The Regional Water Board action to rescind Cleanup and Abatement Order No. R1-2002-0056 is exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with Title 14, California Code of Regulations, Sections 15061(b)(3) and 15321.

THEREFORE, IT IS HEREBY ORDERED that Cleanup and Abatement Order No. R1-2002-0056 for Mercer, Fraser Company and Canevari Timber Company, Inc., Fortuna, California, is rescinded.

Ordered by \_\_\_\_\_  
Susan A. Warner  
Executive Officer

December 2, 2002